

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOSE LOPEZ,  
Petitioner,  
v.  
WILLIAM MUNIZ,  
Respondent.

Case No. [15-cv-05301-KAW](#) (PR)

**ORDER OF TRANSFER**


Petitioner, a state prisoner incarcerated at Salinas Valley State Prison has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the validity of his conviction, which was obtained in Los Angeles County Superior Court.

A federal petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court is properly filed in either the district of confinement or the district of conviction. 28 U.S.C. § 2241(d). The district court where the petition is filed, however, may transfer the petition to the other district in the furtherance of justice. *See id.* Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *See Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

Petitioner was convicted in Los Angeles County Superior Court, which lies within the venue of the Central District of California. 28 U.S.C. § 84(b). Accordingly, pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and in the interest of justice, the Clerk of the Court is ordered to TRANSFER this action forthwith to the district of conviction, i.e., the United States District Court for the Central District of California.

**IT IS SO ORDERED.**

Dated: January 27, 2016



KANDIS A. WESTMORE  
United States Magistrate Judge